

SL 2014-120 Report *Guilford County*

Template for Local Health Department use in preparing the report required pursuant to Session Law 2014-120, Section 29.(b).

The State has prepared this template for use by local departments in fulfilling the reporting requirements relative to the referenced Session Law. The format of the template mirrors that used in the State's report for your convenience. Each section includes a description of the information your department must provide. Local departments may reference the State report as appropriate.

Part 1A: On-site Water Protection: Standardize Certain Regulatory Review Procedures

Reference Session Law 2014-120, Section 29.(b).

Background: Our agency reviews plans submitted by engineers for systems larger than 3000 gallons per day, systems with pretreatment prior to disposal, sewage pumps prior to disposal, systems requiring engineer by rule .1952, systems with a collection sewer, and industrial process wastewater. [15A NCAC 18A .1938].

I. Systems mentioned above: (.1937 and .1938)

- A. Receive application
- B. Assign Staff
- C. Notify state as needed
- D. Assist state as needed

II. Design daily flow (.1949)

- A. Receive application
- B. Request state review
- C. Assist ~~State-state~~ as needed

III. Plans for .1948 (d) proposal

- A. Receive application
- B. Request state review
- C. Assist state as needed

IV. Plans for flow reduction (.1949)

- A. Receive application
- B. Conduct review
- C. Provide a response ~~from to~~ submittee submitting party that includes all required documentation

Part 1B: Food Protection and Facilities: Standardize Certain Regulatory Review Procedures

Reference Session Law 2014-120, Section 29.(b).

Background: The Food Protection and Facilities Branch (FPF) reviews plan submittals for prototype food establishments to be franchised in multiple counties. Local environmental health staff acting as authorized agents of the Department review individual food establishment plans and any franchised establishments that are different than the standard state approved plan. Plans for construction of public swimming pools are also reviewed by local health department staff acting as agents of the Department with technical assistance from the FPF staff. Plan review checklists are used to assure uniform review for compliance with the rules.

A. A Food Service Plan Review Application form and guidance are provided to assure all needed information is in order for approval. Plans and equipment must meet the requirements set forth in the Rules Governing the Food Protection and Sanitation of Food Establishments 15A NCAC 18A.2600.

B. A Public Swimming Pool Plan Review Checklist is used to check pool plans to assure all safety requirements and circulation system components are able to meet the water quality requirements. Plans and equipment must meet the requirements set forth in the Rules Governing Public Swimming Pools 15A NCAC18A.2500

**Part 2A: On-site Water Protection Informal Internal Review Processes
And
Procedures to Develop and Maintain a List of Review Engineers**

Reference Session Law 2014-120, Section 29.(c).

Guilford County does not have a mechanism for informal internal review of an engineered design. Reference Part 2A, Section III of the state report for an informal internal review process and Part 2A, Section IV of the state report for developing and maintaining a list of PE's for informal internal reviews.

Part 2B: Food Protection and Facilities Informal Internal Review Processes And Procedures to Develop and Maintain a List of Review Engineers

Reference Session Law 2014-120, Section 29.(c).

Guilford County does not have a mechanism for informal internal review of an engineered design. Reference Part 2B, Section II of the state report for an informal internal review process and Part 2B, Section III of the state report for developing and maintaining a list of PE's for informal internal reviews.

I. Definitions

~~The following definitions apply throughout this document:~~

~~A. Practice of Engineering.—As defined in G.S. 89C-3.~~

~~B. Professional Engineer (PE).—As defined in G.S. 89C-3.~~

~~C. Regulatory Authority.—The Department of Environment and Natural Resources, the Department of Health and Human Services, and any unit of local government operating a program (i) that grants permits, licenses, or approvals to the public and (ii) that is either approved by or delegated authority from the Department of Environment and Natural Resources or the Department of Health and Human Services.~~

~~D. Regulatory Submittal.—An application or other submittal to a Regulatory Authority for a permit, license, or approval. In the case of a unit of local government, Regulatory Submittal shall mean an application or submittal submitted to a program approved by or delegated authority from the Department of Environment and Natural Resources or the Department of Health and Human Services.~~

~~E. Submitting Party.—The person submitting the Regulatory Submittal to the Regulatory Authority.~~

II. Scope:

~~This guidance is applicable to Regulatory Submittals which may be submitted by an engineer or architect for food establishment or public swimming pools and may apply to plans submitted for institutions that provide health care, confinement or educational services.~~

~~A. When plan approval is not granted on a submittal, the submitting party is notified of which rules are not met and what problems need to be corrected upon resubmittal.~~

~~B. If resubmittal does not fully comply with the rules, the process of resubmittal may be repeated or notification will be given that the plans are not approved, what rules are not met, and what the formal appeals procedure is, explaining that there is a 30-day window for formal appeals.~~

~~C. Differences of opinion regarding the interpretation of a rule may be resolved through an informal review as provided in rule 15A NCAC 18A .2676.~~

~~15A NCAC 18A .2676 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE~~

~~(a) If a permit holder disagrees with a decision of the local health department on the interpretation, application, or enforcement of the rules of this Section the permit holder may:~~

~~(1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or~~

~~(2) Initiate a contested case in accordance with G.S. 150B.~~

~~(b) The permit holder is not required to complete the alternative dispute resolution prior to initiating a contested case in accordance with G.S. 150B.~~

~~(c) When a petition for a contested case is filed, the informal review process shall terminate.~~

~~(d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall state the issues in dispute. If the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the food establishment is located, or when the county or area has only one registered environmental health specialist assigned to inspect food establishments, the Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As soon as possible, but at least within 30 days of receipt of the request, the person conducting the review shall contact the permit holder, provide that permit holder an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the permit holder and to the State Health Director. That decision shall be binding for the purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.~~

~~(e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the state. Notice of such appeal shall be in writing, shall include a copy of the Environmental Health Supervisor's or his or her representative's decision, and shall be postmarked or hand delivered to the local health department and to the Department within seven days of receipt of the written decision issued pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review Officer shall provide notice of the time and place of this conference to the permit holder and the Environmental Health Supervisor for the county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (g) of this Rule or by the State Health Director.~~

~~(f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of an establishment, the regulatory authority shall post a new grade card reflecting that new score.~~

~~(g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.~~

~~(h) Nothing in this Rule shall impact the right of a permit holder to a re-inspection pursuant to Rule .2661 of this Section.~~

~~History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);
Eff. September 1, 2012.~~

~~D. If the Submitting Party requests an Informal Internal review by a PE, the Local Environmental Health Supervisor will notify the FPF. The FPF will follow their applicable procedures for Informal Internal Reviews by a PE.~~

Part 3A: Onsite Water Protection Review of Working Job Titles

Reference Session Law 2014-120, Section 29.(h).

Guilford County Environmental Health does not have any job titles that include the word engineer. Engineered plans are reviewed by EH Program Specialist, and EH Manager.

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Part 3B: Food Protection and Facilities Review of Working Job Titles

Reference Session Law 2014-120, Section 29.(h).

- I. Review the working job titles of every employee with job duties that include the review of Regulatory Submittals.
 - A. ~~Two-Three~~ job titles in Guilford County Environmental Health DHHS, Division of Public Health conduct reviews of engineered plans (Sr. Environmental Health Specialist, ~~and~~ Environmental Health Program Specialist and Environmental Health Manager). ~~Neither-None~~ of these position descriptions require that employees be licensed PE's.
- II. Proposed working job title revisions or other administrative measures
 - A. Guilford County plans to retain the working job titles that conduct reviews of engineered plans. No other administrative measures are needed.